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CLARIFICATION ON THE STATUS OF THE FACTIONS OVER THE ISSUE OF SEEKING ASSISTANCE (FROM THE DISBELIEVERS)

الإبانة في أحوال الفصائل في باب الاستعانة

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Introduction by Shaykh Abu Qatada (Umar ibn Mahmood)

In the name of Allah, the most Gracious the most Merciful, and with Him alone we seek assistance.

All praise is due to Allah, the Lord of all that exists, a praise that suits the greatness of His majesty, and His magnanimity, and for the wisdom in His divine decrees, His Shariah and His laws. And prayers and peace be upon the best of the creation and the chief of the Messengers and the leader of the righteous, Muhammad ibn Abdullah, the truthful and the trustworthy, and upon his pure family, and all of his companions, the blessed forerunners, and whoever follows them upon goodness and guidance until the Day of Resurrection, may Allah make us from them, Ameen.

To proceed:

To Allah belongs the great wisdom in all what is destined. The people see them based on how they appear to be while approaching, and they hate it, and then after that it becomes clear that it was a great good, like what our Lord said about the going out of the chosen beloved (The Prophet ﷺ) to (the battle of) Badr:

"and verily, a party among the believers disliked it"

(Surat Al Anfal 8:5)

And it was in the knowledge of Allah and His decree that this going out was a great victory which Allah has called: **"the day of criterion"** (Surat Al Anfal 8:41), and its people were made the best people on the earth of their time and of other times. And this is good - something towards which they were drawn despite they hating it, and in it was the greatest thing that a believer loves and is pleased with.

And like this, to our Lord belongs the wise decrees, and all of it occurs for one issue over which it gathers, and that is to raise the truth and the religion and for the destruction of Kufr and misguidance and evil. And part of this meaning is our Lord revealing to the people for truth and for guidance - its men, groups and beliefs. All of this does not occur except with trials and tribulations and afflictions. And this is a destiny that is inseparable from this path. With it are the objectives of existence put to test, and through that the truth remains and continues, and falsehood is destroyed and is removed. And it is from the way of Allah that this battle and this affliction take place while falsehood arrives being high and strong, which then weakens and is destroyed.

As for the truth it begins weak but it is firm and lasts, and it begins to grow and strengthen until it stands firm on its roots. And so the creation will know by this way that which they were ignorant of previously. And no root for faith is established without there being some kind of trials from within it. And that is different from the trials that come from the enemies, rather it is a trial in the inside of it to purify the rows and test the intentions and for the great men to be made distinct. And this is the path of Jihad in this time.

We must agree that we are moving on a path that has been made obscure, and its landmarks have been obliterated, and the perceptions were overcome by subjective thinking when Jihad was no more than a word that used to be recited in poetry and on the pulpits. This is despite the path of Jihad not having ceased. But it was in different forms; sometimes it would be upon the meaning of expelling the occupiers - and this would in part mean others fighting with those occupying their country from the non-Muslims.

And sometimes it would mean a group that got concerned and set out to fulfill the obligation without the rest of the people, and then it got accused and talked about (negatively), but its Fiqh (understanding) arises in a condition where they are able to make choices based upon piety, sacrifice and hastening towards martyrdom. But here we are in front of a Jihad that has its necessities, its propagation, and its obstacles towards which trials are coming that were not unseen in the Jihad of the past, but it is different now the reason being the masses sliding behind it (being tricked into following these Fitans (temptations)), their voices raising and they rivaling the Jihad that follows the Sunnah (methodology of the Prophet), Taqwa (piety) and righteousness, to the extent that if it were not for the kindness of Allah it would have nearly uprooted it completely and ended the Jihad. And this kindness has come in many forms, the most important of it being the standing up of truthful men against this, by challenging its evil, its corruption and its threats. One of these is the young Shaykh Dr. Abdullah Al Muhaysini, who even if he has been afflicted by the wounds from the attacking battalions, he has however also earned a share of the statement that Allah has revealed to His beloved (Prophet Muhammad ﷺ): "And we have raised high for you the esteem (in which) you (are held)" (Surah Sharh 94:4), and this is a matter which bequeaths happiness but in the soul of the righteous, it must leave immense fear, fear of destruction and of being turned over. That is because elevation increases the wise ones in fear of falling and of severity of trials!

This is a matter I see as obligatory that I say to the young Shaykh Abdullah al-Muhaysini, so I congratulate him and at the same time frighten him because it is part of the duty of giving advice to our leaders as commanded by our Prophet ﷺ, and the Shaykh is from them, may Allah increase him in elevation and obedience and may he stir him away from temptations and pitfalls.

I believe the Shaykh to be-and I hope he really is so- the most truthful person I inquire from about facts of the incidents taking place that he witnesses, and I swear by Allah that I have asked him of no matter except that he was truthful in what he informed, evaluated and narrated. He would be moderate in his evaluation and thoroughly investigates before narrating any news, may Allah reward him. And this Shaykh is a youth, and he is between two matters while he is in the state of Jihad: either martyrdom or being made to live, and both these demand from him scrutiny, piety and fear of Allah. And I do not fear for him if he departs to his lord as a martyr but I fear for him if he remains alive and lives for a long time, for this has consequences that one will be made to pay for, about which I cannot go into detail for because if I do, I will be like he who complains about his state to the people. But I say to the Shaikh - may Allah preserve him - Fear Allah! Again fear Allah! And again fear Allah... and care not afterwards that which befalls you nor what comes upon you with the permission of Allah.

Indeed Allah has destined for this youth to live in a Jihad that has got trials and afflictions, and in which there are strange divine decrees. So if he narrates about its pains, it would be as though he is bringing despair to the one who is ignorant, and if he narrates about the martyrs and victory and the Mujahideen, he causes delight and raises the souls towards what they hope for, such that this Jihad becomes one that removes the strangeness from the Muslims and brings back power for this religion, despite the disappointment of those who only wish for merely the outcome by its safety. So may Allah reward him well and protect him with His protection.

And amongst that which the people have awoken to in this Jihad are matters that have been concealed with the weakness of the people and their perceptions as to knowledge. And the world of those who are following religion have become accustomed to battles inside the mosques regarding where to put the hand during prayer, and regarding Zakathul Fithr whether it is to be given in the form of food or money. And now the people are dealing with the issues of blood and lives, rather inheritance of lands at a time when many people would like for the condition of the disagreement and disputes in the world of thoughts and other issues to remain as: how to build Islamic banks, preservation of the environment, encouragement of Siwak (cleaning stick for teeth) and others such as that.

The youth of the Ummah have leaped to the pinnacles despite being opposed by many, towards where there is martyrdom, blood and Jihad, and where they enter as great ones into the history of nations and people's lives. It is there where the world listens to them, and there they are the ones who control the battle against all the tyrants of the world. And it was necessary for a Jihad like this to impose its view, and because of its greatness, the deviations that emerged have been similarly great, and hence many big questions came up. And where great issues and hopes arise so do Fitans (trials) but these are trials that neither remain nor last. And the one who Allah wills to take away strangeness from the religion for him, then Allah decrees an end for these trials in this path, not due to his power or the raising of his voice, but as Allah has made him new to these incidents along with being weak, Allah the Most High will decree for him such a destiny that it raises high the matter of him refuting the deviances and the mistakes and the innovations.

That is how these words should be understood and that is its context.

And that is why Allah did not make any path trodden in which the misguidance of the people of innovation are refuted other than this path, and Allah did not make this excellence go to anyone other than to those who are on the path of this Jihad and to those who are its people.

I apologize if I have elaborated too much in my introduction on this article of knowledge which was written by Shaikh Abdullah al-Muhaysini, and it is a very important article which restores the knowledge related issues to their area of dispute, which is the area of right and wrong, not the area of Takfeer which is circulated by those who have never smelt the scent of Fiqh (jurisprudence). This is without removing the ruling of Takfeer in our religion as it is a divine ruling, and apostasy is a ruling that cannot be invalidated by the ignorance of the Zindeeqs (heretics) or the threats of the ignorant secularists, or those who sniff for them from amongst the people of turbans (misguiding scholars) and those with the title of “doctors” from the graduates of the Sharia college. But this is field that is that of Ahlu Sunnah where they put all the disputes regarding the issue of actions in its domain which is from the religion of Allah. And this is what the Shaykh wanted and he did so correctly and well. May Allah forgive me and him.

The Shaikh has known the people of innovation from amongst the extremists and he had presented his testimony about them truthfully and by calling them for a Mubahala (i.e. to invoke the curse of God on the liar amongst them) over his claim of being truthful, and so his words had their effect with the permission of Allah. And there he is, continuing on the path, bringing to light a matter from the doors of knowledge and goodness. And this matter is not a matter of assessing what is better as to make a choice, although I think that this dispute in the in the issue that the Shaikh wrote about is not one that is argued about. And I mean here that all the people of knowledge are in agreement that the choices of the leaders of the Jihad are based on the interests of the Jihad, and that is what the judgements are made upon and not anything else! So what they say becomes a fatwa, and not a statement on Fiqh fundamentals. And the student of knowledge knows the difference between Fiqh and Fatwa, the dispute between them is just like the differences between the Ikhtiyaaraat (choices) of Ahmad bin Hanbal as Ibn Taymiyyah recounted: "Most of them are differences in Fatwa according to the situation and happenings and not because they had various (Fiqh) fundamentals". So may Allah reward the shaikh for this article of knowledge and may Allah make us both succeed in reaching what He loves and is pleased with. I also thank the Shaikh for thinking well of this poor man and asking him to introduce this to the people. So may Allah reward you with the best rewards. And all praise be to Allah the lord of the worlds.

Your brother: Abu Qatada, Umar Bin Mahmood

Clarification on the Status of Factions Over the Issue of Seeking Assistance (from the disbelievers)

In the name of Allah, and prayers and peace be upon the Messenger of Allah and upon his family and his companions and whoever follows. To proceed:

The reason for writing these papers is the current situation that our Islamic nation is facing, especially in regards to this critical subject, which is "Takfeer" (declaring a person to be a disbeliever). And it is not hidden that the people have become divided into two (extreme) groups and a middle group in regards to this. A group that has gone to extremes in Takfeer, and they have unleashed the sword of Takfeer on the necks of the people without any right, and they fell under the saying of the Prophet ﷺ "Whoever says to his brother 'Oh Kaafir' then surely one of them has brought it upon him".

And the other group cancelled the verdict of Takfeer from the Book of Allah glory be to Him Most High, and from the Sunnah of His Messenger ﷺ. And they have come to the point of not applying the ruling of Takfeer except upon the Jews and the Christians, and they cancelled the ruling on apostasy and the nullifiers of Islam from the religion of Allah glory be to Him Most High.

And the religion of Allah is the middle path between extremism and Irja (abandoning Takfeer altogether). And we will not speak on this issue, meaning the issue of Takfeer, but rather about a dangerous passage and a slippery ground over which we see that many of our brothers in the land of Sham have slipped.

And before the discussion on this specific dangerous issue, it is necessary for us to warn about the issue of making Takfeer without justification in general and the seriousness of this subject. And the scholars - may Allah have mercy upon them - have never ceased to warn from falling into mistakes in this subject, and from rushing towards it without Shariah knowledge.

And I say:

Amongst the tribulations and calamities that the Muslims have been afflicted with is that of the deluded ones who do not have the least bit of knowledge rushing into this great matter – ie. Takfeer without justification, while we have seen and still see that the people of knowledge whose feet have been firmly implanted in it would be the most cautious of people in regards to this, and that is due to it being a great danger.

And by Allah, it is shameful that we see some of the Mujahideen ask and seek Fatawa over the smallest of issues that are secondary in the religion, like the issue of wiping over footwear, and the issues of the socks worn outside and the socks worn inside and other such issues, and then if the issue of Takfeer comes, they take the lead in issuing statements on it, rather they establish their Al Wala wal Baraa (alliance and enmity) towards the people based on that, and so whoever does not make Takfeer on so and so then he is (labelled) a Murji and whoever makes Takfeer on him then he is (deemed) to be upon the (correct) Manhaj.

And they have made the right Manhaj to be that of making Takfeer on this person or that person, while that in reality that has got nothing to do with the religion of Allah at all. Rather the scholars may Allah have mercy on them, continue to differ in regards to Takfeer concerning many people of misguidance as to whether they are disbelievers or not. And here is Imam Shafi may Allah have mercy on him, declaring Hafs Al Fard to be a Kaafir, but the people of his time did not agree with him on that.

And another example is the differing amongst the righteous predecessors over making Takfeer on Al Hajjaj as was reported by Ibn Abi Shaybah in "*Kitabul Imaan*". And so Ibn Jubayr and those with him when they made Takfeer on Al Hajjaj, they did not make it obligatory on Al Hassan and others to make Baraa (disassociate) from him (Al Hajjaj), and they did not consider Al Hassan to be an innovator or anything else. And some of the Tabieen made Takfeer on Al Hajjaj such as Tawus, Sha'abi, Mujahid and Saeed ibn Jubayr. But Ibn Umar did not make Takfeer on him (Hajjaj) and yet not one of them made Takfeer on Ibn Umar with the argument saying "Whoever does not make Takfeer on a Kaafir, (then he is a Kaafir)". And the scholars have not ceased differing on their judgments upon men without accusing each other of being traitors or accusing each other of extremism or Irjaa. And we will not enter into this topic in detail.

Oh you Mujahid in the path of Allah, oh you seeker of truth, whether you are in the field of Jihad or elsewhere - Imam Ash Shawkani - may Allah have mercy upon him - says warning against rushing to make Takfeer : "Know that judging a Muslim man as having gone out of the religion of Islam and entering him into Kufr is not allowed for a Muslim who believes in Allah and the last day to go towards it except by evidences that are more clear than the midday sun. For it is established in authentic Hadeeths as reported by a group of Sahabah that whoever says to his brother 'oh Kaafir' then it surely falls on one of them. And in these Hadeeths and what their sources have mentioned, there is the greatest prohibition and the biggest admonishment against rushing to make Takfeer."

And Abu Haamid Al Ghazzaali says "No one rushes to make Takfeer except a Jaahil (ignorant person). And it is necessary to have caution against Takfeer, as long as one finds a way for that.. And surely considering as permissible the blood and wealth of those who pray towards the Qiblah is a serious mistake, and the mistake of leaving a thousand Kaafir is lighter than the mistake of spilling a cup of blood of a Muslim"

And know, may Allah have mercy upon you, that it is obligatory upon you before judging a Muslim to be upon Kufr, that you ensure that the criteria of Kufr are fulfilled in the action and in the one who does that action which is seen to be Kufr. And that is by looking at some issues:

1. To verify that the person actually has done the action of Kufr with certainty, not based on rumour or "he said and it is said".
2. Evidence from the Book or the Sunnah that this saying or action is in fact Kufr.
3. Whether this judgment is applicable to the individual who has said (the Kufr) or the individual who has done (the Kufr) in such a way that the conditions of Takfeer on him are fulfilled and there is nothing that could possibly prevent it.

The Imam, the Allaamah al Ulwaan - may Allah hasten his release - says in "*Al Tibyaan*", "Not everyone who does Kufr is judged as a Kaafir. A saying or an action may be Kufr but the judgment of being a Kaafir is not made upon the sayer or doer except with its conditions".

And Ibn Taymiyyah said in *Al Fataawa* (12/487) "Takfeer has conditions and preventives that may be missing in the individual. And general Takfeer does not necessitate Takfeer on the individual, except if the conditions are found and the preventives do not exist. This becomes clear by the fact that Imam Ahmad and the Imams who made these general statements (of Takfeer) did not make Takfeer on most of those individuals who actually said these words (of Kufr)".

As for the issue over which many of the Mujahideen have slipped into making mistakes, it is the issue of Istianah (seeking assistance) and we mean by Istianah that a Muslim Mujahid in the path of Allah seeks assistance from the disbeliever. And it has many forms and it is not possible for the seeker of truth to know the essence of this subject except by being aware of these forms. And the different forms of Istianah are as follows:

The first form: Istianah (seeking help) from the disbelievers to fight against other disbelievers. And to clarify this form of Istianah, we will give an example based on what is actually taking place in Shaam, and that is that one of the fighting groups in Sham takes a shipment of weapons from a supporting party- and this is a party which disbelieves in Allah. And they take assistance from them to fight against Bashaar, without they being a representative for them nor do they recognize that supporting party. And this issue in this form is an issue of Istianah.

Two matters of caution :-

1. If the faction that seeks help recognizes that disbelieving party or becomes a representative of it, acknowledging its clauses and its project, then it (the faction) is a soldier of it, and they both will be given the same judgement. And in this case such an issue would not be considered as Istianah.

2. The difference between Istianah and Amaalah (being an agent)

A) Istianah which the people of knowledge speak about, is that a Mujahid group undertakes their Jihad by themselves and they accept assistance from an external party without any stipulation or recognition or conditions.

B) As for Amaalah (being an agent), it is that the group stands with the supporter who they depend upon, and so it receives the support for its soldiers from outside, and its cars are from outside, in fact even the food of its soldiers comes from outside. They do not begin a battle except with the permission of their supporter. This then is not from the category of Istianah, rather it means being an agent, even if there are no conditions mentioned at its beginning, however those whose situation is like this, they will collapse if at any time the support for them is stopped. So they have the option of either to do what the supporter wants, or to collapse. So this is not the form that we are talking about.

And one may argue here: It is impossible to be given such support by the supporter without giving it recognition. We say: The issue is not like that, and the reality is that taking support may be done for the sake of a mutual benefit or to fight a common enemy or other such situations.

But that statement of ours does not mean permissibility to open the door to receive support from any party whatsoever as the danger of such a supporting party is not hidden, and so are their aims which they are seeking, and their schemes which they plot against the religion of Allah. But our talk is on a grave issue, and that is the ruling of Kufr and apostasy on the one who falls into it.

The second form: Istianah from the disbelievers to fight against a righteous Muslim.

The third form: Istianah from the disbelievers to fight a Muslim who belongs to the Bughaat (Bughaat is the plural of the word Baaghi and it refers to those group of Muslims who have transgressed unjustly against other Muslims and their rights). And we will speak about all these forms in brief, and we will elaborate the discussion on this third form because it is the one that matches the most to our reality, and caused the most confusion amongst our brothers.

First issue: Istianah from the Kaafir against the Kaafir.

It has come in "*Ahkaamul Mujahid Bi An Nafs*" (1/304) "The Fuqaha are in agreement that it is allowed to take assistance from the Kuffar to fight the enemies during times of necessity based on the well known Fiqhi principle "Necessity allows what is prohibited".

And they differed over seeking aid from them when it is not a necessity, and mentioned two opinions:

The first opinion: It is Haram to take assistance from them when not in necessity, and this is the saying of the Malikis and the correct opinion of the Hanbali Madhab and Ibn Hazm and they base this on the following:

1. The statement of Allah the Most High:

لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ إِلَّا أَنْ تَتَّقُوا مِنْهُمْ تُقَاةً وَيُحَذِّرُكُمُ اللَّهُ نَفْسَهُ وَإِلَى اللَّهِ الْمَصِيرُ

Let not the believers take the disbelievers as Auliya (supporters, helpers, etc.) instead of the believers, and whoever does that will never be helped by Allah in any way, except if you indeed fear a danger from them. And Allah warns you against Himself (His Punishment), and to Allah is the final return.

(Surat Al Imraan: 28)

It has been mentioned regarding the reason for the revelation of this verse is that : Ubadah bin Saamit may Allah be pleased with him, had allies from the Jews, and when the Prophet ﷺ went out on the day of Al Ahzaab, Ubadah said: Oh Prophet of Allah, I have with me 500 men from the Jews and I am thinking of taking them out with me, and use them to win against the enemy. Then this verse was revealed, and this is an evidence for the impermissibility of seeking help from them (the Kuffar) in fighting.

2. The statement of Allah the Most High:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الَّذِينَ اتَّخَذُوا دِينَكُمْ هُزُوءًا وَلَعِبًا مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِنْ قَبْلِكُمْ وَالْكَافِرَ أَوْلِيَاءَ وَاتَّقُوا اللَّهَ إِنَّ كُنُتُمْ مُؤْمِنِينَ

"O you who believe! Take not as Auliya' (protectors and helpers) those who take your religion for a mockery and fun from among those who received the Scripture (Jews and Christians) before you, nor from among the disbelievers; and fear Allah if you indeed are true believers."

(Surat al Maidah: 57)

The basis of evidence here is: That this and other verses which prohibit allegiance with the disbelievers include the prohibition of support and victory from the Mushrikeen.

3. On the authority of Aisha, may Allah be pleased with her, that the Prophet ﷺ went out to Badr and a man from the Mushrikeen followed him and he (the Prophet) said "Do you believe in

Allah and His Messenger? And the man said "no". And the Prophet said, "Then return, for I do not seek assistance from a Mushrik".

Reported by Muslim

The basis of evidence here is: The Hadeeth is general and includes every Mushrik. So it is not allowed to seek assistance from them in fighting the enemy.

4. That the Kaafir cannot be trusted with regards to his plots and plans, and his harm due to the impurity of his heart. So he cannot be asked for help.

And we will discuss about using these evidences as follows:

1. That the evidences which prohibit seeking help from the disbelievers were at Badr, and then later on permission was granted for seeking help after that.

And this can be answered by saying that the original ruling is that of prohibition, and this ruling will remain as long as there is no evidence that makes it permissible.

2. As for the Hadeeth of Aisha, may Allah be pleased with her, then the one who the Prophet ﷺ sent back on the day of Badr, was seen to be having the desire to enter into Islam, and he sent him back with the hope that he would accept Islam, and his thinking proved to be true and he did accept Islam.

And the reply to this is that the Hadeeth is strong and general and there is no evidence that opposes it, and there is nothing to indicate that it is specific. And if there are found situations in which assistance is taken from the Kuffar, then these are based upon necessity.

The second opinion: Istianah from the Kuffar is allowed for fighting against the enemies. And this was said by the Hanafis and they stated a condition that the command of Islam is the one that is dominant, and the Shafis with the conditions that the Imam knows them to be holding a good opinion about the Muslims, and they are safe from their betrayal. And this is a narration of the Hanbalis.

And they used the following as evidences:

1. On the authority of Ibn Abbas, may Allah be pleased with him, who said "The Messenger of Allah ﷺ took assistance from the Jews of Qaynuqaa' and he gave them some amount without giving them a share from the booty."

And our comment on this is that this Hadeeth is weak, and even if it is correct then it is a case of seeking assistance from them due to necessity.

2. What has been reported stating that Safwan bin Umayyah took part in the battle of Hunain with the Prophet ﷺ while he was a Mushrik. Narrated by Al Tirmidhi and Al Bayhaqi in Al Sunan al Kubra, and he declared it weak.

And our comment on this is that Safwaan went out without anyone asking him to do so.

3. Seeking assistance from the Kuffar against the Kuffar suppresses them and enrages them more. And seeking assistance from them is like seeking assistance from dogs against the Kuffar.

And this can be argued against by saying that the Kaafir cannot be trusted as to his plots and deceit, and this is harmful for the Mujahideen and can expose their secrets.

Summary

This is a matter that is differed upon, and the scholars have agreed that it is allowed to seek assistance from the Kuffar to fight the enemies when there is a necessity for that based upon the well known Fiqhi principle "Necessity allows what is prohibited". And the scholars differed on the issue of taking assistance from the Kuffar when there does not exist a necessity, and they have two opinions on this. One is that it is Haram and the other that it is allowed with specific conditions which are:

-If the rule of Islam is dominant after the Muslims are victorious over the Kuffar.

-That there is a need to seek assistance from them.

-That these disbelievers can be trusted with regards to their intentions without committing treachery.

It is to be noted that the Malikis who say this to be prohibited have allowed Istianah in the following situations:

1. If they have came out for doing service to the Muslims then the Malikis have written that this is allowed, and that is for example they being used for demolition, or digging or building something or other similar things.

2. If the Mushrikeen went out by themselves on their own, then the preferred opinion according to the Maliki Mad'hab is that they are not to be prevented, because in this case, they were not asked for assistance, but rather they came out by themselves on their own.

Ibn Qayyim says in *Zaad al Ma'ad* (3/301) "Seeking assistance from the Mushrik who can be trusted in Jihad is allowed when there is a need because the Prophet's spy from the tribe of al

Khuza'ah was a Kaafir during that time (when the Prophet ﷺ was at Dhul Hulayfa, he sent his spy who was a Mushrik from the tribe of Khuza'ah to bring him news about the Quraish). And there was a benefit in this as he was more able to mix with the enemies and find out information about them".

The second issue: Istianah from the disbelievers against a righteous Muslim, and this is the subject of the talk and the crux of the matter. That is like the one who aids the Kuffar against the Muslims or seeks assistance from them and enters under the umbrella of the crusaders. This then is apostasy from the religion of Allah. And seeking assistance from the Kuffar against the Muslim when the banner is for the Kuffar is Haram by the consensus, rather it is a nullifier of Islam and clear apostasy. Allah says:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا الْيَهُودَ وَالنَّصَارَىٰ أَوْلِيَاءَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ

"O you who believe! Take not the Jews and the Christians as Auliya (allies)', they are but Auliya' to one another."

(Surat Al Maidah 5:51)

And Ibn Hazm says in *Al Muhalla* (11/138) "And if any amongst you takes them as Auliya (allies), then surely he is one of them." This is taken on its literal meaning and that is that he is a Kaafir like them, and this is the reality about which no two Muslims differ".

And Ibn Baz may Allah have mercy upon him said that the scholars of Islam are in agreement that whoever helps the Kuffar against the Muslims and helps them with any kind of help then he is a Kaafir like them.

And Shaykh Ahmad Shakir said (in *Kalimat Haqq* p. 126) about the ruling on the Muslim cooperating with the English and the French during their aggression upon the Muslims in Egypt, "As for cooperating with them in any way, whether little or great, that is the extreme apostasy and the clear Kufr, and no excuse can be accepted for this, and no (mistake in) interpretation will benefit him, whether that is from an individual or groups or governments or leaders - all of them have fallen into Kufr and apostasy except the one who is ignorant and made a mistake and then retracted and repented".

And this, that is seeking help from the disbeliever against the Muslim and assisting the disbelievers against the Muslims, it is the Eighth Nullifier of Islam which unfortunately is

removed from the syllabus of the Muslim people in the Muslim lands and has been eliminated from many of the books. And it has been stated by Shaykh Muhammad ibn Abdul Wahhab under the nullifiers of Islam.

The third issue: Seeking assistance from the Kuffar against the Bughaat Muslims (ie. Muslims who have transgressed against other Muslims or are fighting against them unjustly).

This is precisely the issue and this is the slippery ground, which due to ignorance over it, many have fallen into the abyss where they make Takfeer on the Muslims unjustly, and spilling their blood was considered to be permissible, and the wealth of the Muslims was allowed to be taken, and this comes from the one whose methodology is to make Takfeer over the slightest reason, even though what is obligatory and known from the religion by necessity is the impermissibility of making Takfeer except by an evidence that is more clear than the sun, as we have stated previously. However some whose knowledge is very little and whose piety is less, and whose caution and fear of being questioned by Allah are weak have become fearless about it.

And the issue of seeking assistance from the disbelievers against the transgressing Muslim, like the one who takes foreign aid for the fight that is taking place today amongst the factions, as he considers the other faction (he is fighting against) as one that has transgressed against him and oppressed him, and then on this basis he sought assistance from the Kuffar and took money to fight - so then what is the ruling on this action?

We say: Know, may Allah have mercy on me and you, that the scholars have differed on this issue, with differences ranging from saying it is Haram and a crime while others saying it is allowed in some restricted situations. However what every seeker of truth must know is that none of the scholars have made Takfeer on the one who fell into this great sin. And the difference that occurred was the difference between the one who considered it a sin and a crime and between the one who permitted it during limited situations. So ponder..!

The scholars have divided the matter of taking help (Istianah) from the disbeliever against the transgressing Muslim (Bughaat) into two types:

The first type: That he aids the disbelievers to fight against the transgressing Muslim (Bughaat), while the banner and power and dominance and battle are for the disbelievers. This then is apostasy from the religion of Allah the Most High because it establishes the strength of the disbelievers over the lands of the Muslims and is an assistance for them in fighting against the Muslims and is an act of Muzahara (giving victory to the Kuffar).

The second type: That he seeks aid from the disbelievers while the banner is of the Muslims. And it is over this type, that Bagdadi's group made Takfeer on all the fighting factions whenever they fight against them, except in rare cases, and similarly some of the Mujahideen other than Baghdadi's group have fallen into making Takfeer over this type, and they became confused in

this matter. We say, the second type is that in which a Muslim seeks assistance from the disbelievers while the banner is for the Muslims and the victory is for them.

Issue: the meaning of our saying "the banner" means victory and ability to rule the land after gaining victory in the battle.

The first saying in the issue of Istianah from the Kuffar in fighting against the Bughaat (transgressors): It is that it is strictly prohibited with sternness, and this is the saying of the majority of the scholars of the Malikis and the Shafis and the Hanbalis.

Al Nawawi said in *Rawadath al-Thaalibeen wa 'Umdat al-Muftiyyin* (10/60) "It is not permissible to seek aid from the Kuffar against them because it is not allowed to empower a Kaafir over a Muslim"

And Ibn Qudaymah may Allah have mercy upon him said in *Al Mughni* (8/529) "And he should not seek help from the Kuffar in fighting against them in any condition, nor from he who considers it permissible to kill them by going after them when they flee from the battlefield. And this was what ash-Shâfi'î stated."

And Al Shafi'i said in *Al Umm* : "It is not allowed for the people of justice in my opinion to seek assistance against the people of rebellion (Bughaat) from one of the Mushrikeen, whether a Dhimmi (a Kaafir living in an Islamic state under a covenant) or a Haarbi (a Kaafir with no covenant with the Muslims) even if the rule of the Muslims is dominant. And I will not give to one who opposes the religion of Allah, glory be to Him, a means to kill those who follow the religion of Allah"

Shaykh Abdul Latheef bin Abdur Rahman bin Hassan Aal Shaykh, may Allah have mercy upon him said "As for the Muslim seeking assistance from the Mushrik against the transgressor, then none has said this except one whose opinion is an isolated one, by basing it on Qiyas, and has not looked at the reason of the ruling and the relation between the basic ruling and its branches (as done in Qiyas)"

The second saying in the issue: It is allowed with the condition that the banner is for the Muslim.

Ibn Hazm, may Allah have mercy upon him said "The people differed over this and a group from them said that it is not allowed to ask for help against them from either a Harbi or a Dhimmi or even from the one (who is a Muslim) who sees it as allowed to fight them when they are running away, and this is the saying of As Shafi'i, may Allah be pleased with him. And the companions of Abu Haneefa said that there is no problem in asking for help against them from either the Harbi or Dhimmi or from their likes from the Bughaat, and we have stated this in the book of Jihad".

Al Sarkhasi said in *Al Mabsooth* that "There is no harm if the people who are just seek assistance from the Bughaat or Dhimmis against the Khawaarij if the rule of the people who are just is dominant because they are fighting against them to strengthen the religion."

So consider, may Allah have mercy on you and me, that not a single one from the people of knowledge has made Takfeer on the one who differs on this issue. Rather Ibn Qudama has stated the reason for the prohibition of seeking help from the disbelievers with his statement "nor from the one who sees it permissible to go after them and kill them when they flee" i.e. it is not permissible to seek help against the Bughaat (rebellious ones) by taking help from the (Muslim) one who considers it permissible to kill the Bughaat when they flee from the battlefield because the scholars have spoken regarding killing the Bughaat by saying that they are not to be chased and killed when they flee from the battle. So the reason for the difference is because of the fear that the Kaafir may kill those of the Bughaat who flee from the battlefield. So they did not mention this to be under the category of Muzaahara (giving victory) to the Kuffar and other such things. And look at the statement of Imam Al Ghazzali may Allah have mercy on him, when Ibn Al Arabi asked him regarding the kings of Andalus (Spain) who asked for help from the disbelievers against the Muslims:

Abu Haamid al Ghazzali said " And it is necessary for the Amir and his associates to fight those rebellious ones [he did not call them Murtadeen] until they obey. And especially since they have sought assistance from the Christians and the Mushrikeens and their allies..." until he may Allah have mercy upon him said, "and if they fight, it is not allowed to go after those who flee and it is not allowed to kill their wounded, but when their power has been ended, and they are defeated, it is necessary to stop fighting them, I mean the Muslims from them, not the Christians".

And he means by that those who sought assistance from the Christian kings to fight the Muslims in Andalus.

Al Imaam Hamood bin Uqlaa as Shua'ybee, may Allah have mercy upon him says on this subject in his book "*Al Qawl ul Mukhthaar Fee Hukmil Istianati bil Kuffar*" P. 84, "And some of the scholars considered that from amongst the different forms of seeking help from the Kuffar against the Bughaat, there are some that are Kufr".

So not every type of Istianah against the Bughaat is Kufr, rather "from amongst the types of Istianah" means (only) some of the types of Istianah are the ones which are Kufr.

Conclusion:

Oh you blessed one, here I have put down in front of you the sayings of the people of knowledge regarding the issue of seeking help from the Kuffar in fighting the Bughaat .

And at this place I remind you of Allah and His punishment and His torment, and I remind you of the seriousness of unleashing the sword of Takfeer upon the necks of the Muslims. The Prophet ﷺ has said "Whoever says to his brother "oh Kaafir" then surely one of them has brought it upon him" and when you issue the judgment of Kufr upon a Muslim then you have made his blood and his wealth permissible to be spilled, and if he really was not so, then this matter will be written against you as a major sin, and as one of the greatest sins. So fear Allah..! And this statement will be sufficient for you if you know what it means.

And before you apply a Hukm (judgment) on any of the groups over the issue of seeking assistance, consider these points right from the start,

1. Is it an issue of Muzaahara (giving victory) to the Mushrikeen or is it Istianah (seeking help) from the Kuffar against a Muslim who is from the Bughaat? And if you say: "But the Muslim against whom assistance has been taken from the Kuffar is not from the Bughaat in my opinion", then I say: This is your opinion, but as for the one who seeks assistance from the Kuffar to fight this unjust transgressor, it is his opinion that this Muslim is one of the Bughaat, and because of this he seeks assistance from the Kuffar against him.
2. Is the one who is asked for help actually a Kaafir in reality whose Kufr cannot be disagreed upon? And this is from the calamities that you judge a Muslim to be upon Kufr, and then you make Takfeer on the one who seeks assistance from him. And know, may Allah have mercy on you, that if a Muslim takes assistance from one who he considers to be a Muslim while you consider him to be a Kaafir, then he is not to be made Takfeer upon whatsoever.
3. Then consider the issue which you have judged to be apostasy- is it an issue of seeking assistance from the Kaafir, or is it an issue of fighting taking place at the same time due to coincidence, such as the Kuffar coming and fighting those Bughaat from one side and the Muslims fight against them from another side.
4. The reason for which Takfeer is made in this issue is due to empowering Kufr and the Kuffar.

So when a Muslim helps a Kaafir and supports him so that the authority of this Kaafir dominates, then here it is Kufr.

And when a Muslim seeks aid from a Kaafir to repel the evil of a Muslim from the Bughaat, then here the word of the Muslim becomes higher than another Muslim, and the authority of the Muslim over a Muslim becomes stronger.

And this is what is meant by the words of Ibn Hazm (rahimahullah) in this situation.

He said, may Allah have mercy upon him, "And as for the Muslim who is at the battlefield and got carried away by fanaticism; and took help from the Mushrikeen who are Harbi (those who do

not have any covenant with the Muslims), and they extended their hands to kill those Muslims who opposed him, or to take their wealth or enslave them.. if his authority is the one that is dominant and the Kuffar were under him like his followers, then he is lost in the utmost evil, but that does not make him a Kaafir, because he has not done anything which the Quran or Ijma says is Kufr. And if the rule of the Kuffar was dominant over him, then in that case he is a Kaafir, as we have stated. And if both of them were equal in regards to their authority and neither of the two dominates the other in authority, then we do not see him to be a Kaafir by that. And Allah knows best".

5. None of those who disagreed with the Hanafis has said that the one who says or does that has fallen into Kufr, nor did any of the scholars say that the Hanafis become disbelievers by their statements in regards to this situation, or that the Hanafis have spoken Kufr, or that their words lead to Kufr etc.,.

Note: Our statements are not to be understood to mean that seeking help from the Kuffar against the Bughaat Muslims is permissible or that it is justified. Rather what we believe is that it is prohibited and is dangerous. But there is an enormous difference and a huge distance between saying it is Haraam and making Takfeer. And no one will ignore that difference except the extremists in Takfeer, may Allah save us and you.

Written by your loving brother... Dr Abdullah Al Muhaysini.